

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOSEPH E. SINGLETON,

Plaintiff,

v.

STATE OF WASHINGTON DEPARTMENT
OF CORRECTIONS MEDICAL
DEPARTMENT,

Defendant.

Case No. C06-5572 FDB


ORDER ADOPTING REPORT AND
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L. Strombom, the remaining record, and there being no objections to the Report and Recommendation, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Plaintiff's motion for summary judgment (Dkt. # 21) is **DENIED** and Defendant's motion for summary judgment (Dkt. # 42) is **GRANTED**; and
- (3) Plaintiff shall be granted leave to amend his Complaint to allege facts showing how an individual or individuals deprived Plaintiff of a right, privilege or immunity secured by the Constitution or federal law relating to Grievance Log No. 0213932. The amended complaint must carry the same case number as this one. Plaintiff shall file his amended complaint within **twenty (20) days** of the date of this Order or this action shall be dismissed.

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- 2 (4) The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants
- 3 and to the Hon. Karen L. Strombom.

4 DATED this 20th day of June 2008.

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6 FRANKLIN D. BURGESS

7 UNITED STATES DISTRICT JUDGE

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